



September 7, 2006

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**Electronically Filed**

Honorable George H. Lowe, U.S. Magistrate Judge  
Federal Building and US Courthouse  
P.O. Box 7346  
Syracuse, New York 13261-7346

**RE: John C. Uhlein, III v. County of Jefferson, et al.**  
**7:03-CV-1147(TJM/GHL)**

Dear Magistrate Judge Lowe:

I am pleased to report that the parties have reached a tentative agreement to settle the above-referenced action. Pursuant to the settlement, the County of Jefferson will pay to the Plaintiff the sum of \$55,000.00 in full satisfaction of all claims against all Defendants. The Plaintiff will execute and deliver to the Defendants' attorneys a General Release of all claims as well a Stipulation discontinuing the above-referenced action, with prejudice. The Plaintiff may elect to assign the net proceeds or a portion of the net proceeds of the settlement to a Supplemental Needs Trust created in his name. The County of Jefferson would not object to the creation of a Supplemental Needs Trust provided the trust was properly created, drafted and complied in all respects with statutory requirements.

The foregoing settlement proposal is also subject to approval of the Finance Committee of the Jefferson County Legislature and of the full Legislature. The Finance Committee next meets September 26, 2006 and the full Legislature meets on October 3, 2006.

Notwithstanding the fact that this matter cannot be resolved without legislative approval, John V. Hartzell, Esq. of this office has informally canvassed several representatives of County Government including the County Attorney, the Chairman of the County Legislature and the Chairman of the Finance Committee. Several other legislators have also been informally contacted with regard to what is proposed. I am pleased to report that those individuals contacted unanimously endorse a settlement of this action as outlined above. While an informal canvas is no substitute for full legislative approval, the indications are strong that the Jefferson County Legislature is likely to approve resolution of this action.

As the Court knows, the discovery schedule in this action is aggressive, particularly in the short-term. Upon consultation with all attorneys, we jointly request that the Court stay discovery for a period of thirty (30) days upon the representation that this action will likely

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be resolved. Obviously, we would all like to avoid the expense and inconvenience of discovery if the case is to be settled.

If for some reason approval of the settlement cannot be obtained we would propose to jointly contact the Court with a revised Discovery Schedule, although it is my good faith belief that the same will not be necessary.

If the Court is amenable to staying of the current Scheduling Order in light of the likely settlement of this action, I would ask that the bottom of this letter be executed in "So Ordered" by the Court.

Respectfully,

**MENTER, RUDIN & TRIVELPIECE, P.C.**

s/Steven B. Alderman

Steven B. Alderman  
[salderman@menterlaw.com](mailto:salderman@menterlaw.com)

SBA/nmm

cc: Richard J. Brickwedde, Esq.  
Thomas J. Murphy, Esq.  
John V. Hartzell, Esq.

It is So Ordered that the Discovery Schedule in the above-referenced action be and the same hereby is stayed for a period of thirty (30) days.

Dated: September 11, 2006  
Syracuse, New York

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Honorable George H. Lowe, U.S. Magistrate Judge